



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 22, 2012

Ms. Katie Lentz
Open Records
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

OR2012-13309

Dear Ms. Lentz:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 463216.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for all citations issued by sheriff's office deputies during a specified period of time, all dispatch logs concerning that specified time period, the patrol car video of a named deputy for the specified time period, a copy of patrol car videos for all deputies patrolling in Taylor, Texas during that time period, and a copy of dispatch audio for the specified time period. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Initially, we note you have not submitted the requested dispatch logs or a representative sample thereof. To the extent information responsive to this portion of the request existed on the date the sheriff's office received the request, we assume you have released it. If you

¹We assume the "representative sample" of information submitted to this office, which you state is representative of the requested citations, warnings, and patrol video recordings, is truly representative of these categories of information as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than those submitted to this office.

have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov't Code § 552.108(a)(1). A governmental body must reasonably explain how release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information pertains to pending criminal cases. Based on your representation and our review of the information, we find section 552.108(a)(1) generally applies to the submitted information. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court describes law enforcement interests that are present in active cases), *writ ref'd per curiam*, 536 S.W.2d 559 (Tex. 1976). We note, however, the information you seek to withhold include citations. Because copies of these documents were provided to the persons who received the citations, we find release of the citations will not interfere with the detection, investigation, or prosecution of crime. *See* Gov't Code § 552.108(a)(1). Accordingly, the sheriff's office may not withhold the citations, which we have marked, under section 552.108.

In addition, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” *Id.* § 552.108(c). Section 552.108(c) refers to the basic “front-page” information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88. Basic information must be released, even if it does not literally appear on the front page of the report. *See* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). We note basic information does not include motor vehicle information encompassed by section 552.130 of the Government Code. *See id.* Therefore, with the exception of the citations and basic information, the sheriff's office may withhold the submitted information under section 552.108(a)(1).

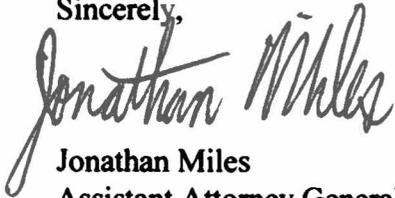
The citations contain information that falls within the scope of section 552.130 of the Government Code. Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license, title, or registration issued by an agency of this state or another state or country, is excepted from public release. *See* Gov't Code § 552.130(a)(1)-(2). The sheriff's office must withhold the motor vehicle information you have marked, and the additional information we have marked, under section 552.130 of the Government Code.

In summary, with the exception of the citations and basic information, the sheriff's office may withhold the submitted information under section 552.108(a)(1). The sheriff's office must withhold the marked motor vehicle information in the citations under section 552.130 of the Government Code. The remaining information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan Miles". The signature is written in black ink and is positioned to the left of the typed name.

Jonathan Miles
Assistant Attorney General
Open Records Division

JM/bhf

Ref: ID# 463216

Enc. Submitted documents

c: Requestor
(w/o enclosures)